

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1311 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE Sd/-

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not? No
3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

SMT. GITABEN DILIP KUMAR DHRUV

Versus

STATE OF GUJARAT

Appearance:

MR YS LAKHANI for Petitioner

MR KP RAVAL, APP for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 21/09/96

ORAL JUDGEMENT

Rule. Service of Rule is waived by learned APP Mr K.P. Raval.

Learned advocate Mr Lakhani has submitted that in pursuance of order dated 18th September, 1996 and intimation given to the petitioner dated 11th September,

1996, a statement of the petitioner was recorded on 19th September, 1996. As apprehended by the petitioner, according to learned advocate Mr Lakhani, the said statement was not recorded properly.

Learned APP Mr Raval has not received any instructions and, therefore, he is unable to make any statement.

Looking to the peculiar facts and circumstances of the case, it is directed that statement of the petitioner Gitaben Dilip Dhruv shall be recorded by the concerned police officer in presence of an officer not below the rank of Dy.S.P. The officer in whose presence the statement is to be recorded shall also put his signature on the statement stating the fact that the statement was recorded in his presence and it was read over to the petitioner. The said statement shall also be read over before the petitioner in presence of the officer. As the petitioner is a lady, her husband would be permitted to remain present when her statement is to be recorded.

The above referred order would be carried out within a period of two weeks from today.

Learned advocate Mr Lakhani has further submitted that the concerned officers should be directed to investigate the offence as soon as possible and in accordance with law. Needless to say, the Officers are bound to follow legal procedures and formalities while performing their duties.

Mr Lakhani does not press other prayers at this stage. The application is finally disposed of as allowed. Rule is made absolute to the above extent. Direct Service permitted.
